

6053

I N   S E N A T E

(PREFILED)

January 4, 2012

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Introduced by Sen. ZELDIN -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the village law, in relation to the procedure for village incorporation and to repeal subdivision 2 of section 2-200 of such law relating thereto

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The opening paragraph of subdivision 1 of section 2-200 of  
2     the village law is amended to read as follows:

3     A territory containing a population of at least five hundred persons  
4     [who are regular inhabitants thereof, as hereinafter defined,] AS DETER-  
5     MINED BY THE MOST RECENT FEDERAL CENSUS may be incorporated as a village  
6     under this chapter provided such territory does not include a part of a  
7     city or village and further provided the limits of such territory:

8     S 2. Subdivision 2 of section 2-200 of the village law is REPEALED.

9     S 3. The village law is amended by adding a new section 2-201 to read  
10    as follows:

11    S 2-201 FEASIBILITY STUDY. BEFORE A PETITION FOR INCORPORATION MAY BE  
12    CIRCULATED PURSUANT TO SECTION 2-202 OF THIS ARTICLE, A FEASIBILITY  
13    STUDY SHALL FIRST BE PREPARED. SUCH FEASIBILITY STUDY SHALL INCLUDE THE  
14    FOLLOWING:

15    1. A PROPOSED OPERATING BUDGET FOR THE TERRITORY TO BE INCORPORATED;

16    2. A PROPOSED CAPITAL BUDGET FOR THE AREA TO BE INCORPORATED;

17    3. A DESCRIPTION OF THE SERVICES THAT WOULD BE PROVIDED BY THE  
18    PROPOSED VILLAGE AND HOW THOSE SERVICES WOULD BE DELIVERED; AND

19    4. THE ESTIMATED PROPERTY TAX IMPACT FOR A FIVE YEAR PERIOD ON THE  
20    TERRITORY TO BE INCORPORATED AND THE REMAINING AREA OF THE TOWN OR  
21    TOWNS.

22    S 4. Paragraph b of subdivision 1 of section 2-202 of the village law  
23    is amended by adding a new subparagraph 7 to read as follows:

24    (7) AN EXECUTIVE SUMMARY OF THE FEASIBILITY STUDY, INCLUDING THE ESTI-  
25    MATED REAL PROPERTY TAX IMPACT ON THE TERRITORY TO BE INCORPORATED AND  
26    THE REMAINING AREA OF THE TOWN OR TOWNS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets  
[ ] is old law to be omitted.

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1 S 5. Paragraph c of subdivision 1 of section 2-202 of the village law  
2 is amended by adding a new subparagraph 3 to read as follows:

3 (3) A COPY OF THE FEASIBILITY STUDY.

4 S 6. Section 2-204 of the village law, as amended by section 25 of  
5 part X of chapter 62 of the laws of 2003, is amended to read as follows:

6 S 2-204 Notice of hearing. Within twenty days after the filing of such  
7 petition or copies thereof, each supervisor with whom same were filed  
8 shall cause to be posted in five public places in that part of such  
9 territory located in his town and also to be published at least twice in  
10 the newspaper or newspapers designated pursuant to subdivision eleven of  
11 section sixty-four of the town law, a joint notice of all such supervi-  
12 sors: that a petition for the incorporation of the village of (naming  
13 it) has been received; that at a place in such territory and on a day,  
14 not less than twenty nor more than thirty days after the date of the  
15 posting and first publication of such notice, which date and place shall  
16 be specified therein, a hearing will be had upon such petition; that  
17 such petition will be available for public inspection in the office of  
18 each town clerk until the date of such hearing; that the purpose of the  
19 hearing is to consider the legal sufficiency of the petition AND WHETHER  
20 SUCH PETITION IS IN THE OVERALL PUBLIC INTEREST; that objections to [the  
21 legal sufficiency of] the petition must be in writing and signed by one  
22 or more of the residents of such town; and that any group of persons  
23 having one or more objections in common may make designation in writing  
24 and signed by them of at least one but no more than three persons giving  
25 the full names and addresses on whom and at which addresses all papers  
26 required to be served in connection with the proceeding for incorpo-  
27 ration shall be served. A majority of such designees must reside in such  
28 town or towns. In the absence of any other suitable place, such hearing  
29 shall be held in a school building, if any, located in such territory.  
30 If such territory is located in more than one town the hearing shall be  
31 noticed and publicized as a joint hearing of all such towns. For the  
32 purposes of this section, in the event that the town maintains a  
33 website, one of the posting requirements required by this section may be  
34 fulfilled by posting such information on the town's website.

35 S 7. The opening paragraph of subdivision 1 of section 2-206 of the  
36 village law is amended to read as follows:

37 The supervisor, or supervisors if a joint hearing, with whom the peti-  
38 tion or copies thereof, were filed, shall meet at the time and place  
39 specified in such notice and shall hear objections which may be  
40 presented as to [the legal sufficiency of] the petition for incorpo-  
41 ration based upon any of the following grounds:

42 S 8. Paragraph f of subdivision 1 of section 2-206 of the village law  
43 is amended to read as follows:

44 f. That such territory does not contain a population of at least five  
45 hundred [regular inhabitants] AS DETERMINED BY THE MOST RECENT FEDERAL  
46 CENSUS;

47 S 9. Paragraph g of subdivision 1 of section 2-206 of the village law  
48 is relettered paragraph h and a new paragraph g is added to read as  
49 follows:

50 G. THAT THE PROPOSED INCORPORATION IS NOT IN THE OVERALL PUBLIC INTER-  
51 EST: (I) OF THE TERRITORY PROPOSED TO BE INCORPORATED; OR (II) THE  
52 REMAINING AREA OF THE TOWN OR TOWNS IN WHICH SUCH TERRITORY IS LOCATED;

53 S 10. The section heading of section 2-208 of the village law is  
54 amended to read as follows:

55 Decision [as to legal sufficiency of petition].

1     S 11. If any clause, sentence, paragraph, section or part of this act  
2 shall be adjudged by any court of competent jurisdiction to be invalid,  
3 such judgment shall not affect, impair or invalidate the remainder ther-  
4 eof, but shall be confined in its operation to the clause, sentence,  
5 paragraph, section or part thereof directly involved in the controversy  
6 in which such judgment shall have been rendered.

7     S 12. This act shall take effect immediately.